

ESTTA Tracking number: **ESTTA521295**

Filing date: **02/13/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Health Crave, LLC		
Entity	Limited Liability Company	Citizenship	Texas
Address	21 Spurs Lane Suite 320 San Antonio, TX 78240 UNITED STATES		

Attorney information	Charles W. Hanor Charles W. Hanor, P.C. 750 Rittiman Road San Antonio, TX 78209 UNITED STATES trademarks@hanor.com Phone:210-829-2002
----------------------	--

Applicant Information

Application No	85698123	Publication date	01/15/2013
Opposition Filing Date	02/13/2013	Opposition Period Ends	02/14/2013
Applicant	Rouette, Geraldine V 14629 SW 104 Street, Ste 195 Miami, FL 33186 UNITED STATES		

Goods/Services Affected by Opposition

Class 044.

All goods and services in the class are opposed, namely: Providing an interactive holistic web site featuring health information and patient initiated, patient authorized, fee-for-service, holistic approach distance healing sessions based on the patient's specific set of symptoms, medical profile and medical record analysis and patient benefit information concerning organic and holistic products and services; Providing an internet website for medical professionals and medical patients featuring medical information from remote locations via devices that feed information to the website that is processed, exchanged and accessed in real-time by users

Class 045.

All goods and services in the class are opposed, namely: Providing patient advocate and case management services, namely, coordinating the procurement and administration of medication; Providing patient advocate services to hospital patients and patients in long term care facilities; Providing patient advocate services to people with limb-loss; Providing personal support services for families of patients with life threatening disorders, namely, companionship, help with medical forms, emotional counseling and emotional support; Providing personal support services for patients and families of patients, namely, emotional counseling and emotional support

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	85727984	Application Date	09/13/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HEALTHCRAVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2011/07/31 First Use In Commerce: 2011/07/31 Medical services; Providing wellness services, namely, weight loss programs offered at a wellness center		

U.S. Application No.	85725499	Application Date	09/11/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HEALTHCRAVE MEDICAL CENTERS		
Design Mark			
Description of Mark	The mark consists of The wording HEALTH next to stylized wording CRAVE, with the words MEDICAL CENTERS below. Two leaves are holding the letter "C" which is in the shape of a water droplet.		
Goods/Services	Class 044. First use: First Use: 2011/07/31 First Use In Commerce: 2011/07/31 Medical services; Providing wellness services, namely, weight loss programs offered at a wellness center		

Attachments	85727984#TMSN.jpeg (1 page)(bytes) 85725499#TMSN.jpeg (1 page)(bytes) 20130207 Notice of Opposition.pdf (4 pages)(88636 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/charles w hanor/
Name	Charles W. Hanor
Date	02/13/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Health Crave, LLC	§	
Petitioner	§	In the matter of Application No. 85/698,123
	§	
	§	Mark: HEALTHCRAVINGS
	§	Int'l Class: 44, 45
v.	§	
	§	Filed: August 8, 2012
Geraldine V. Rouette	§	Published: January 15, 2013
Respondent	§	

NOTICE OF OPPOSITION

Petitioner Health Crave, L.L.C., a Texas limited liability company organized under the laws of the state of Texas, with a mailing address of 21 Spurs Lane, Suite 320, San Antonio, Texas 78240 (“Opposer”), believes that it will be damaged by registration of the trademark shown in Serial No. 85/698,123, filed August 8, 2012, and hereby opposes the same.

As grounds for the opposition, Opposer alleges that

1. Respondent/Applicant is Geraldine V. Rouette whose address is 14629 SW 104 Street, Suite 195, Miami, FL 33186-2905.

2. As illustrated in the Official Gazette dated January 15, 2013, Respondent/Applicant claims ownership and seeks to register the mark HEALTHCRAVINGS covered by Application Serial No. 85/698,123 in International Class 044 for Providing an interactive holistic web site featuring health information and patient initiated, patient authorized, fee-for-service, holistic approach distance healing sessions based on the patient's specific set of symptoms, medical profile and medical record analysis and patient benefit information concerning organic and holistic products and services; Providing an internet website for medical

professionals and medical patients featuring medical information from remote locations via devices that feed information to the website that is processed, exchanged and accessed in real-time by users and International Class 045 for Providing patient advocate and case management services, namely, coordinating the procurement and administration of medication; Providing patient advocate services to hospital patients and patients in long term care facilities; Providing patient advocate services to people with limb-loss; Providing personal support services for families of patients with life threatening disorders, namely, companionship, help with medical forms, emotional counseling and emotional support; Providing personal support services for patients and families of patients, namely, emotional counseling and emotional support.

3. Opposer is the common law owner of the name and marks HEALTHCRAVE and HEALTHCRAVE MEDICAL CENTERS plus design trademarks, for providing wellness services, namely weight loss programs offered at a wellness center.

4. Opposer has used both marks since at least 2011.

5. Opposer has continuously marketed services under the marks HEALTHCRAVE and HEALTHCRAVE MEDICAL CENTERS plus design since April 2011.

6. Opposer has used the marks HEALTHCRAVE and HEALTHCRAVE MEDICAL CENTERS plus design in connection with the offering of its services prior to Applicant's filing date of August 8, 2012.

7. Applicant's mark, when used in connection with applicant's goods and services, is likely to cause confusion, or to cause mistake, or to deceive, about the source or origin of Applicant's goods and services or about Opposer's goods and services, or is likely to cause consumers to believe that Opposer sponsors or approves the goods and services of Applicant, when it does not.

8. Any such likely confusion, mistake or deception is likely to harm Opposer's commercial interests.

9. Moreover, any defect, objection or fault found with Applicant's goods and/or services marketed under Applicant's HEALTHCRAVINGS mark would necessarily reflect upon and seriously injure the reputation which Opposer has established for Opposer's goods and services under the HEALTHCRAVINGS mark and name.

10. If Applicant is granted the registration herein opposed, such registration would be a source of damage and injury to the Opposer.

Wherefore, the Opposer prays that the U.S. Trademark Application No. 85/698,123 be refused, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Dated: February 13, 2013.

Respectfully submitted,

/s/ Charles W. Hanor
Charles W. Hanor
Charles W. Hanor, P.C.
750 Rittiman Road
San Antonio, TX 78209
(210) 829-2002 Direct
(210) 829-2001 Fax

Attorney for Applicant
Health Crave, LLC

CERTIFICATE OF SERVICE

I certify that the foregoing was served via U.S. First Class Mail on February 13, 2013 to

Respondent at the following addresses:

Geraldine V. Rouette
14629 SW 104th Street
Suite 195
Miami, Florida 33186-2905

/s/ Charles W. Hanor

Charles W. Hanor